IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1199 of 2005

Between:

N.Srihari Rao, S/o.Hanumaiah
Ex.Special Public Prosecutor in the court of Special Sessions Judge, Guntur.

.....PETITIONER

AND

1 Government of Andhra Pradesh, represented its Secretary, Law Department, Secretariat buildings, A.P.Hyderabad.
2 Director General of Police, CID and DGP Complex Opp. to Ravindra Bharathi, Lakdikapoo, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction more particularly a writ in the nature of Mandamus directing the respondents herein to pay the difference of remuneration from 5-2-1998 till 31-7-2004 a sum of Rs.1,20,000/- as per G.O.Ms.No.187 dt. 15/7/97 after declaring the inaction of the respondents in not paying the arrears is illegal, void and without jurisdiction.

Counsel for the Petitioner:MR.G.DHARMA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

The Court at admission stage made the following :

ORDER:

The petitioner was appointed as a Special Public Prosecutor for the Court of IV Additional District & Sessions Court, Guntur, through G.O.Rt.No.149, dated 27-01-1998. He continued in that office till 31-07-2004. Initially, honorarium was paid to the petitioner at the rate of Rs.4,000/- per month. Thereafter, it was enhanced to Rs.7,000/- per month consequent on the issuance of the orders by the Government in G.O.Ms.No.187, Law (L) Department dated 06-12-2000. The petitioner seeks a writ of *Mandamus* directing the respondents to pay him honorarium at the rate of Rs.8,000/- per month from 05-02-1998 to 31-07-2004 and thereby release a sum of Rs.1,20,000/- being the differential amount.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner was appointed as a Special Public Prosecutor in terms of Sub section (8) of Section 24 Cr.P.C. It is in the discretion of the Government to fix the honorarium to the Advocates appointed as Public Prosecutors, Additional Public Prosecutors or Special Public Prosecutors, as the case may be. Up to the framing of Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000 (herein after referred to as 'Instructions') through G.O.Ms.No.187, dated 06-12-2000, the honorarium payable to the petitioner was Rs.4,000/- per month. Under the Instructions, the honorarium payable to different categories of Law Officers was prescribed. Clause 19 thereof deals with the same. In Clause 2(e) the honorarium payable to the Public Prosecutor in the District and Sessions Court is stipulated at Rs.8,000/- per month and the one payable to the Additional Public Prosecutor in the Additional District and Sessions Court is indicated in Clause 2(f) as Rs.7,000/- per month. As regards the honorarium payable to Special Public Prosecutors, it is directed in Clause 2 (i) that it shall be on par with the corresponding regular Prosecutor, appointed to the concerned Courts.

It is not in dispute that the petitioner was appointed as a Special Public Prosecutor in the Additional District and Sessions Court. The honorarium payable

for the Additional Public Prosecutor of such Courts is Rs.7,000/- per month. Therefore, the petitioner is entitled for the said amount. He cannot be compared with the Public Prosecutor of a District and Sessions Court. The petitioner does not dispute that he was paid the honorarium at the rate of Rs.7,000/- per month. Therefore, the petitioner is not entitled to be paid any additional amounts.

Hence, the writ petition is dismissed. There shall be no order as to costs.

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07-02-2005

vs/avs

To

1 Government of Andhra Pradesh, represented its Secretary, Law Department, Secretariat buildings, A.P.Hyderabad.
2 Director General of Police, CID and DGP Complex Opp. to Ravindra Bharathi, Lakdikapoo, Hyderabad.

3 Two C.Cs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

4 2 CD copies.